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PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

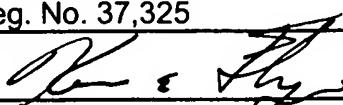
(to be used for all correspondence after initial filing)

		Application Number	10/010,894
		Filing Date	11/08/2001
		First Named Inventor	Basil et al.
		Group Art Unit	2611
		Examiner Name	Not Assigned
Total Number of Pages in This Submission	9	Attorney Docket Number	0960-021

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Assignment Papers (for an Application)	<input type="checkbox"/> After Allowance Communication to Group
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Reply	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	Executed Declaration Letters Testamentary Probate Court Decl.
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application	Remarks	Return Receipt Postcard
<input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	Kevin E. Flynn, Reg. No. 37,325
Signature	
Date	Feb 5, 2002 02/05/2002

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: 02/05/2002

Typed or printed name	Lynette M. Bailey		
Signature		Date	02/05/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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PTO/SB/17 (10-01)

Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**FEET TRANSMITTAL
for FY 2002**

FEB 26 2002

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT **(\$)** **65.00**

Complete If Known

Application Number	10/010,894
Filing Date	11/08/2001
First Named Inventor	Basil et al.
Examiner Name	Not Assigned
Group Art Unit	2611
Attorney Docket No.	0960-021

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number
Deposit Account Name

Charge Any Additional Fee Required
Under 37 CFR 1.16 and 1.17

Applicant claims small entity status.
See 37 CFR 1.27

2. Payment Enclosed:

Check Credit card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
101	740	201 370 Utility filing fee	<input type="text"/>
106	330	206 165 Design filing fee	<input type="text"/>
107	510	207 255 Plant filing fee	<input type="text"/>
108	740	208 370 Reissue filing fee	<input type="text"/>
114	160	214 80 Provisional filing fee	<input type="text"/>

SUBTOTAL (1) (\$) **0.00**

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** = <input type="text"/>	X <input type="text"/>	<input type="text"/>
Multiple Dependent	- 3** = <input type="text"/>	X <input type="text"/>	<input type="text"/>
			<input type="text"/>

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description
103	18	203 9 Claims in excess of 20
102	84	202 42 Independent claims in excess of 3
104	280	204 140 Multiple dependent claim, if not paid
109	84	209 42 ** Reissue independent claims over original patent
110	18	210 9 ** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) **0.00**

**or number previously paid, if greater; For Reissues, see above

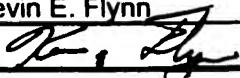
3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105	130	205 65 Surcharge - late filing fee or oath	65.00
127	50	227 25 Surcharge - late provisional filing fee or cover sheet	
139	130	139 130 Non-English specification	
147	2,520	147 2,520 For filing a request for ex parte reexamination	
112	920*	112 920* Requesting publication of SIR prior to Examiner action	
113	1,840*	113 1,840* Requesting publication of SIR after Examiner action	
115	110	215 55 Extension for reply within first month	
116	400	216 200 Extension for reply within second month	
117	920	217 460 Extension for reply within third month	
118	1,440	218 720 Extension for reply within fourth month	
128	1,960	228 980 Extension for reply within fifth month	
119	320	219 160 Notice of Appeal	
120	320	220 160 Filing a brief in support of an appeal	
121	280	221 140 Request for oral hearing	
138	1,510	138 1,510 Petition to institute a public use proceeding	
140	110	240 55 Petition to revive - unavoidable	
141	1,280	241 640 Petition to revive - unintentional	
142	1,280	242 640 Utility issue fee (or reissue)	
143	460	243 230 Design issue fee	
144	620	244 310 Plant issue fee	
122	130	122 130 Petitions to the Commissioner	
123	50	123 50 Processing fee under 37 CFR 1.17(q)	
126	180	126 180 Submission of Information Disclosure Stmt	
581	40	581 40 Recording each patent assignment per property (times number of properties)	
146	740	246 370 Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249 370 For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279 370 Request for Continued Examination (RCE)	
169	900	169 900 Request for expedited examination of a design application	
Other fee (specify) _____			

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3) (\$)** **65.00**

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Kevin E. Flynn	Registration No. (Attorney/Agent)	37,325	Telephone	919 544 5444
Signature				Date	12/05/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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Section #
113
PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Basil et al.	Attorney Docket:	0960-021
Serial No:	10/010,894	Examiner:	Not Assigned
Filed:	11/08/2001	Art Unit:	2611

TITLE:

**CAPACITY SCALING AND FUNCTIONAL ELEMENT REDISTRIBUTION WITHIN
AN IN-BUILDING COAX CABLE INTERNET ACCESS SYSTEM**

Response to Notice to File Missing Parts of Nonprovisional Application

Assistant Commissioner for Patents
Box Missing Parts
Washington D.C. 20231

This communication is in response to the "Notice to File Missing Parts of Nonprovisional Application" mailed January 3, 2002 for which a response is due by March 3, 2002. A check in the amount of \$65.00 for the surcharge is submitted herewith.

The application was filed without a signed declaration as the inventor died and no one had been officially named as legal representative of the deceased inventor. Thus, no legal representative was available to sign.

An executrix has been named for the deceased inventor and applicant now submits a declaration signed by the executrix in conformity with 37 CFR § 1.42.

Applicant's attorney submits herewith the following:

1. Transmittal Sheet;
2. Copy of Notice to File Missing Parts of Nonprovisional Application;
3. A copy of an executed Declaration signed by Mrs. Dorothy Terry as Executor of the estate of her late husband John Brian Terry, deceased inventor of the above-identified application;
4. Papers documenting the legal status of Mrs. Terry:
 - a. A copy of the executed Letters Testamentary from the Probate Court of the State of Georgia;
 - b. A copy of the certification by the Clerk of the Probate Court dated August 16, 2001;
5. Fee transmittal (in duplicate) with a check for \$65; and
6. Return receipt postcard.



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Dated: February 5, 2002

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kevin E. Flynn".

Kevin E. Flynn Reg. No. 37,325

Daniels & Daniels, P.A.
P.O. Drawer 12218
Research Triangle Park, NC 27709
Voice 919.544.5444
Fax 919.544.5920
email Kflynn@daniels.com

F:\CL\0960-021\Prosecution\FMP - Declaration.doc

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UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/010,894	11/08/2001	Robert P. Basil	0960-021

26108
DANIELS & DANIELS, P.A.
SUITE 200, GENERATION PLAZA
1822 N.C. HIGHWAY 54, EAST
DURHAM, NC 27713



CONFIRMATION NO. 4228
FORMALITIES LETTER

OC000000007255129

Date Mailed: 01/03/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Adjustment date: 04/01/2002 SDIRETA1
03/21/2002 SSALEEKU 00000006 10010894
01 FC:197 -65.00 0P

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**

03/21/2002 SSALEEKU 00000006 10010894

01 FC:197 -65.00 0P

A copy of this notice MUST be returned with the reply.

Adjustment date: 03/21/2002 SSALEEKU
03/14/2002 SDIRETA1 00000069 10010894
01 FC:205 Customer Service Center -65.00 0P

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

03/04/2002 EEKUBAY1 00000150 10010894

01 FC:205 -65.00 0P

Refund Ref: 04/01/2002 SDIRETA1 0000115758 *UK*

CHECK Refund Total: \$65.00